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Docket No: 05-01001

REMARKS

The rejection of claims 1-8 and 12-18 under 35 USC 102(b) as being anticipated by Moore (USPN 5,590,775) is respectfully traversed and reconsideration thereof is requested.

Claim 1 as amended and recited above overcomes the 35 USC 102(b) rejection because the Moore reference does not disclose the feature of the mating closure means being partially mated to form the sheet into a tree skirt for placement around the trunk of a Christmas tree to cover a tree stand which is used to support the Christmas tree, as such Moore does not anticipate Claim 1 as recited above. Applicant respectfully requests the withdrawal of the 35 USC 102(b) rejection and the allowance of Claim 1.

Claim 2 as amended and recited above adds additional features to independent Claim 1 and is submitted to be a-fortiori, patentable.

Claim 4 as amended and recited above adds additional features to independent Claim 1 and is submitted to be a-fortiori, patentable.

Claims 6 and 7 as amended and recited above adds additional features to independent Claim 1 and is submitted to be a-fortiori, patentable.

Claims 3, 5, 8 -9 and 12-18 are canceled.

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The rejection of Claims 10 and 11 under 35 USC 103(a) as being unpatentable over Moore (USPN 5,590,775) in view of Blackburn et al. (USPN 4,799,520) or Official Notice is respectfully traversed and reconsideration thereof is requested.

Claim 10 as amended and recited above over comes the 35 USC 103(a) rejection because it includes the steps of:

placing said sheet around the Christmas tree; and partially mating said closure means forming said sheet into a tree skirt.

Moore in combination with Blackburn do not disclose the above recited steps and there is no suggestion in Blackburn to modify the invention Moore to partially mate coupling devices 46 and zipper teeth 48 to form the tarp 14 into a tree skirt. While Blackburn does disclose a tree bag operable as a tree skirt, the tree bag is of a continuous circular sleeve construction which does not include a mating closure secured along opposing sides that is capable of being partially mated to form a tree skirt. Furthermore, by the virtue of the construction of the tree bag of Blackburn, the tree bag cannot be secured around the tree once the tree is supported by a tree stand. The bag of the instant invention is not limited in this operation and is capable of being placed around the tree subsequent to the trunk of the tree being inserted into the tree stand.

Examiner's Official Notice taken of the conventional use of a tree stand for a Christmas tree is noted and is not traversed. However, while it is conventional to use a

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tree stand to support a Christmas tree, the use of the stand in and of itself does not make obvious a Christmas tree bag having a sheet with opposed sides and a mating closure attached to the opposed sides such that when partially mated the sheet forms a tree skirt for covering the tree stand.

Therefore, Moore in view of Blackburn, or the Official Notice and Blackburn considered singularly or in combination do not suggest or make obvious the above steps as recited in Claim 10 nor do they suggest or make obvious a tree bag having a sheet with opposed sides and a mating closure attached to the opposed sides, wherein the mating closure is partially mated to form a tree skirt for covering a tree stand.

Claim 11 as amended and recited above adds additional steps to independent Claim 10 and is submitted to be a-fortiori, patentable.

Claim 19 as recited above is patentable over Moore, Blackburn or Official Notice singularly or in combination as it recites features that are not anticipated or made obvious by Moore, Blackburn or Official Notice.

In view of the above, it is respectfully submitted that:

Claims 1-19, recite distinctions that are of patentable merit under 35 USC 102(b) and 35 USC 103(a) for the independent claims and thus for each dependent claim as well.

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Claims 1-19 are in condition for allowance. Reconsideration and withdrawal of the rejections are requested. Allowance of claims 1-19 at an early date is solicited.

Respectfully submitted:



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